

012804

1592 U.S.PTO

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PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-003

U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | |
|------------------------|--|
| Attorney Docket No. | CP 108 |
| First Inventor | Jane Hirsh |
| Title | Multiparticulate Compositions of Milnacipran for Oral Administration |
| Express Mail Label No. | EL 717 745 705 US |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 39]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets _____]
5. Oath or Declaration [Total Sheets _____]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76
7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of (when there is an assignee) Attorney
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: Unexecuted Declaration for Patent Application

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No.:

Prior application information: Examiner _____ Art Unit: _____
For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number: 23579 OR Correspondence address below

| | | | | | |
|---------|--|-----------|----------------|----------|-------------------|
| Name | Patrea L. Pabst, Holland & Knight LLP | | | | |
| Address | 2000 One Atlantic Center 1201 West Peachtree Street | | | | |
| City | Atlanta | State | GA | Zip Code | 30309-3400 |
| Country | United States of America | Telephone | (404) 817-8473 | | Fax (404)817-8588 |

| | | | |
|-------------------|-----------------------|-----------------------------------|--------|
| Name (Print/Type) | Patrea L. Pabst, Esq. | Registration No. (Attorney/Agent) | 31,284 |
| Signature | Date January 28, 2004 | | |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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15992

U.S. PTO

FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** 457.00

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Compl t if Known

| | |
|----------------------|------------------|
| Application Number | |
| Filing Date | January 28, 2004 |
| First Named Inventor | Jane Hirsh |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | CP 108 |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number **50-1868**
Deposit Account Name **Holland & Knight LLP**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------------|--------------|------------------------|---------------|-----------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | 385.00 | | |
| 1002 340 | 2002 170 | Design filing fee | | | |
| 1003 530 | 2003 265 | Plant filing fee | | | |
| 1004 770 | 2004 385 | Reissue filing fee | | | |
| 1005 160 | 2005 80 | Provisional filing fee | | | |
| SUBTOTAL (1) | | (\$) 385.00 | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
| 28 | 3 | | -20* = 8 | x 9.00 = 72.00 | |
| | | | -3** = 0 | x 43.00 = 0.00 | |
| | | | | 0 = 0.00 | |

| Large Entity | Small Entity | Fee Description |
|---------------------|--------------|--|
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | (\$) 72.00 |

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|-----------------------------------|--------------|--|------------------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |
| Other fee (specify) _____ | | | |
| *Reduced by Basic Filing Fee Paid | | SUBTOTAL (3) | (\$) 0.00 |

(Complete if applicable)

| | | | | | |
|-------------------|-----------------|-----------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Patrea L. Pabst | Registration No. (Attorney/Agent) | 31,284 | Telephone | (404) 817-8473 |
| Signature | | | | Date | January 28, 2004 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CP 108 - 085337/00014

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jane Hirsh, Alison B. Fleming, and Roman V. Rariy

Serial No.: Express Mail Label No.: EL 717 745 705 US

Filed: January 28, 2004 Date of Deposit: January 28, 2004

For: *MULTRIPARTICULATE COMPOSITIONS OF MILNACIPRAN
FOR ORAL ADMINISTRATION*

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**EXPRESS MAIL TRANSMITTAL LETTER
FOR PATENT APPLICATION AND CERTIFICATE OF MAILING**

Sir:

Pursuant to 35 U.S.C. § 21(a) as amended by Public Law 97-247 and 37 C.F.R. § 1.10, Applicants enclose for filing the attached patent application entitled "*Multiparticulate Compositions of Milnacipran for Oral Administration*", by Jane Hirsh, Alison B. Fleming, and Roman V. Rariy, which claims priority to U.S.S.N. 60/443,237 filed January 28, 2003; U.S.S.N. 60/443,618 filed January 29, 2003; U.S.S.N. 60/458,993 filed March 28, 2003; U.S.S.N. 60/468,470 filed May 06, 2003; and U.S.S.N. 60/490,060 filed July 24, 2003. The application includes 1 page of abstract, 34 pages of specification, 4 pages of claims, and an unexecuted Declaration for Patent Application. An executed Declaration for Patent Application, Assignment of rights in the application from Jane Hirsh, Alison B. Fleming, and Roman V. Rariy to Collegium Pharmaceutical, Inc., Power of Attorney and Correspondence Address Indication Form, and a Statement Under 37 C.F.R. § 3.73(b) will be submitted shortly.

Title: "Multiparticulate Compositions of Milnacipran for Oral Administration"

Filed: January 28, 2004

Express Mail Transmittal Letter for

Patent Application and Certificate of Mailing

Express Mail Label No.: EL 717 745 705 US

Date of Deposit: January 28, 2004

The Commissioner is hereby authorized to charge Deposit Order Account No. 50-1868 in the amount of \$457.00 to cover the filing fee for a small entity. It is believed that this is the proper filing fee for a small entity as the application contains 3 independent claims, and a total of 28 claims.

This application is entitled to claim small entity status under 37 C.F.R. § 1.27.

This application is being filed on January 28, 2004 by mailing the application to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 via the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10. The Express Mail label number appears in the heading of this paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment in connection with this application, to Deposit Order Account No. 50-1868.

Title: "Multiparticulate Compositions of Milnacipran for Oral Administration"

Filed: January 28, 2004

Express Mail Transmittal Letter for

Patent Application and Certificate of Mailing

Express Mail Label No.: EL 717 745 705 US

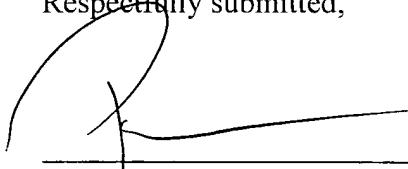
Date of Deposit: January 28, 2004

All correspondence concerning this application should be mailed to:

Customer No. 23579
Patrea L. Pabst, Esq.
HOLLAND & KNIGHT LLP
Suite 2000, One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, Georgia 30309-3400

(404) 817-8473 (Telephone)
(404) 817-8588 (Fax)

Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: January 28, 2004

HOLLAND & KNIGHT LLP
Suite 2000, One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, Georgia 30309-3400
(404) 817- (Telephone)
(404) 817-8588 (Fax)

Title: "Multiparticulate Compositions of Milnacipran for Oral Administration"

Filed: January 28, 2004

Express Mail Transmittal Letter for

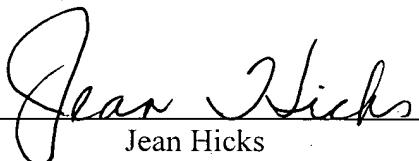
Patent Application and Certificate of Mailing

Express Mail Label No.: EL 717 745 705 US

Date of Deposit: January 28, 2004

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this Express Mail Transmittal Letter for Patent Application and Certificate of Mailing and any documents referred to as attached therein are being deposited with the United States Postal Service on this date, January 28, 2004, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 745 705 US, addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Jean Hicks

Date: January 28, 2004

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